

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SB 1841 – HB 2120

March 8, 2016

SUMMARY OF ORIGINAL BILL: Extends the statute of limitations for aggravated statutory rape from four years to 25 years after the victim becomes 18 years of age.

FISCAL IMPACT OF ORIGINAL BILL:

Increase State Expenditures – \$6,300/Incarceration*

SUMMARY OF AMENDMENT (013195): Deletes from Section 1 of the bill the language “twenty-five (25)” and substitutes the language “fifteen (15)”, effectively extending the statute of limitations 15 years, rather than 25 years, after the victim becomes 18 years of age.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

- Aggravated statutory rape is a Class D felony. The statute of limitations for a Class D felony is four years. The bill as amended extends the statute of limitations for aggravated statutory rape to 15 years after the victim reaches the age of majority.
- Statistics from the Department of Correction (DOC) show a 10-year average of 33.1 admissions per year for aggravated statutory rape. It is assumed the bill as amended will increase admissions by one percent, or 0.33 admissions (33.1 x 0.01) per year.
- The bill as amended will result in one additional admission every three years.
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.12 percent per year for the past 10 years, yielding a projected compound population growth of 11.78 percent over the next 10 years. Population growth will not affect the fiscal impact of this legislation.
- Statistics from the DOC show the average time served for aggravated statutory rape is 0.76 years, or 277.59 days.
- A recidivism discount does not apply because the bill as amended will result in someone being incarcerated who otherwise would not due to the statute of limitations running out.

- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on one offender every three years serving 0.76 years (277.59 days) for an annualized total of \$6,267.06 [(\$67.73 x 277.59 days) / 3].
- The bill as amended will result one additional felony case every three years. It is assumed that the courts, district attorneys, and public defenders can handle the impact to their caseloads within existing resources.

**Tennessee Code Annotated § 9-4-210 requires an appropriation from recurring revenues for the estimated operation cost of any law enacted after July 1, 1986 that results in a net increase in periods of imprisonment in state facilities. The amount appropriated shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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